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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 ADAM RANDOLPH POWELL,

12 Plaintiff,

13 v.

14 MOIRARA, et al.,

15 Defendants.
16

No. 2:23-CV-0875-DC-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brought this civil rights action pursuant to
18 42 U.S.C. § 1983.

19 On August 8, 2025, the District Judge directed Plaintiff to file a first amended
20 complaint within 30 days. See ECF No. 38. As of October 14, 2025, Plaintiff had not complied
21 and the Court issued findings and recommendations that this action be dismissed for lack of
22 prosecution and failure to comply with the August 8, 2025, order. See ECF No. 39. On
23 November 10, 2025, Plaintiff filed objections to the findings and recommendations along with a
24 motion for leave to amend and a first amended complaint. See ECF Nos. 40, 41, and 42.
25 Because Plaintiff has now complied with the District Judge's order and filed a first amended
26 complaint as directed, the Court will vacate the October 14, 2025, findings and recommendations.
27 Plaintiff's motion for leave to amend will be denied as unnecessary. Defendants will be directed
28 to file a response to the first amended complaint.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations issued on October 14, 2025, ECF No. 39, are vacated.
2. Plaintiff's motion for leave to amend, ECF No. 41, is denied as unnecessary.
3. Defendants shall file a response to Plaintiff's first amended complaint within 30 days of the date of this order.

Dated: November 17, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE